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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,647	05/25/2006	Motoki Kato	289157US8PCT	5725
22850 7590 09/01/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER KHAN, ASHER R				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 09/01/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

1. This Office Action is responsive to communication filed on 08/19/2010.

Response to Arguments

Applicant's arguments, see page 7, filed 8/19/2010, with respect to claims 1, 8 and 9 have been fully considered and are persuasive. The objection of claims 1, 8 and 9 has been withdrawn. However, it is noted that the limitation "are selectable" is no more of a positive recitation than the limitation "can be selected."

In re page 7, Applicant argue that present application and U.S. 2002/0164152 to Kato at the time the claimed invention was made were obligated to be commonly assigned to the same assignee and Kato is not available as a reference under 35 U.S.C. 103.

In response the examiner respectfully asserts that the Kato reference (U.S. 2002/0164152) qualifies as prior art under 35 U.S.C. 102(b). 35 U.S.C. 103(c) disqualifies prior art that only falls under 102(e), (f) and/or (g). Therefore, 35 U.S.C. 103(c) does not disqualify the Kato reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571)272-7646. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./
Examiner, Art Unit 2621

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2621